

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 945
Criminal Procedure – Sentencing and Disposition – Community
Impact Statement
DATE: February 12, 2020
(2/25)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 945. This bill would amend CP§ 11-403 to permit a “representative of a community impacted by the crime” to submit a community impact statement in a sentencing or disposition hearing.

This bill broadly allows “a representative of each community” impacted by the crime to submit an impact statement at sentencing and the right to appeal under Criminal Procedure Article § 11-103, but the bill does not provide sufficient guidance to delineate who is to be considered a community representative. The definitions are of particular importance because the bill does not limit the number of impact statements that may be submitted, requires the court to consider the statements, and provides a community representative with a right to appeal if a statement is not considered. As the State’s Attorney is generally considered to be the representative of the community in criminal cases, more clarity is needed in this bill regarding who else is a community representative so that it can be applied appropriately and consistently if enacted.

The Judiciary also notes that juvenile court proceedings are confidential and questions whether this bill may open the door to a disclosure of confidential information beyond what is permitted by CJP § 3-8A-27.

cc. Hon. Vanessa Atterbeary
Judicial Council
Legislative Committee
Kelley O’Connor